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against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Third periodic reports of States parties

BANGLADESH*

* For the initial report submitted by the Government of Bangladesh, see CEDAW/C/5/Add.34; for its consideration by the Committee, see CEDAW/C/SR.96, CEDAW/C/SR.97 and CEDAW/C/SR.99, and Official Records of the General Assembly, forty-second session Supplement No. 38 (A/42/38), paras. 503-572, for second periodic report submitted by the Government of Bangladesh, see CEDAW/C/13/Add.30; for its consideration by the Committee, see CEDAW/C/SR.220 and CEDAW/C/SR.227, and Official Records of the General Assembly, forty-eighth session Supplement No.38 (A/48/38), paras. 248-326.

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TABLE OF CONTENTS

			Page
I.	BACKGROUND FRAMEWORK		
1.1	Country Profile:		1
1.1.1		Area and geography	1
1.1.2		Population	1
1.1.3		Economy	2
1.1.4		Administrative Structure	2
1.2	Status of Women		3
1.2.1		Socio-cultural	3
1.2.2		Education	4
1.2.3		Health	4
1.2.4		Population control and family planning	5
1.2.5		Employment	5
1.2.6		Situation of women in the eye of law	6
1.2.6.1		Constitutional provisions for women	7
1.2.6.2		Personal laws	8
1.2.6.3		Other Laws	14
1.2.7		Obstacles encountered	15
II.	FRAMEWORK WITHIN WHICH BANGLADESH APPROACHES THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN		16
2.1	Introduction:		16
2.2	Measures adopted		16
2.2.1	Development plans of the country		17
2.3	Institution which has the task to ensure equality between men and women		20
2.3.1		Role of government agencies	20
2.3.2		Role of women groups	21

2.4 The means used to promote and ensure development and advancement 22

2.4.1 Government sector projects 23
2.4.2 Non-Government Programms 28

2.5 Whether convention can be invoked before courts/ tribunals 29

III. IMPLEMETNATION OF THE PROVISIONS OF THE CONVENTION 31

3.1 Information on provisions of the convention 31

3.1.1 Elimination of all forms of discrimination 31
3.1.2 Equality in national constitution and legislations 31
3.1.3 Human rights to be ensured 31
3.1.4 Protection of maternity 32
3.1.5 Elimination of social prejudice 32
3.1.6 Stopping trafficking of women 32
3.1.7 Elimination of discrimination of women in politics and public life 33
3.1.8 Equal opportunity for women to represent them in government and at international level 33
3.1.9 Equal rights to acquire nationality 33
3.1.10 Equal rights of women in the field of education 33
3.1.11 Equal Employment and Training Opportunities for Women 34
3.1.12 Elimination of discrimination against women in the field of health care 35
3.1.13 Equal rights in areas of economic and social life 36
3.1.14 Particular problems faced by rural women 37
3.1.15 Women to be equal with men before the law 38
3.1.16 Eliminate discrimination against women in matters relating to marriage, Custody of children, Property (interest of children to be paramount) 39
3.1.17 Why reservation was made by Bangladesh upon ratification of article 2 though equality was granted in the constitution 40

3.1.18	What positive action has been taken by the Government to withdraw the reservations to remove discrepancies in personal laws inconsistent with constitutional provisions.	40
3.1.19	Progress since last report	40
3.1.20	Issues need to be address	41
3.1.21	Government intervention	41
3.1.22	International support	41

Anexure I: SOME STATISTICS ON BANGLADESH

Annexure II: ALLOCATION IN THE FOURTH FIVE YEAR PLAN IN EDUCATION SECTOR

Annexure III: TRENDS IN FEMALE ENROLMENT IN THE PRIMARY LEVEL

Annexure IV: A GENDER-WISE BREAKDOWN OF ENROLMENT

References:

1. BACKGROUND/FRAMEWORK

1.1 Country Profile:

1.1.1 Area and Geography:

The People's Republic of Bangladesh was liberated in the year 1971 after a nine month long war. The country is situated in the northern tropical zone between 20-26 degree north latitude and 88-89 degree east longitude and has a territory of about 144,000 square kilometres. It is the largest deltaic plain of the world with a 400 mile long coastal area. The average temperature varies between 24.4 to 26.7 degrees Celsius and average annual rainfall is about 203 cm. The country which is predominantly of rural setting frequently suffers from calamities like, flood, cyclone, draught, tidal waves, etc.

1.1.2. Population:

Bangladesh has a population of about 110 million, nearly 80 per cent of whom are Muslims. Citizens are known as Bangladeshi. More than 80 per cent of them live in the rural areas. Bangladesh is one of the most densely populated poor countries of the world with a population density of 759 per sq. km. The crude birth rate 32.8 per cent and crude death rate 11.4 per cent results in a natural growth rate of 2.1 per cent. The age structure of the population is not favourable for the process of development since about 13 per cent of the population is under 5 years of age and 44 per cent under 15. As a result, the dependency ratio of 86 creates pressure not only on mother-child health care but on preschool care and total family structure. Infant mortality rate and child death rates were 94.3 and 14.2 per thousand respectively in 1990.

More than 800 thousand population of the working age group enter the job market every year. The economy being unable to absorb the growing labour force faces tremendous problems of unemployment. About 48.5 per cent of the total population are women and the sex ratio is 106.04 according to Population Census of 1991.

Rapid population growth and age structure are the key aspects to understand Bangladesh's socio-economic situation. The growing population has created a tremendous pressure on the country's resource base and economy. However, there is a growing awareness in the government to turn this huge population into valuable resource through various human resource development programmes.

1.1.3 Economy:

The economy is predominantly dependent on agriculture. Growth in the industrial sector is slow due to lack of capital, low technological development and other socio-economic factors. The gross national product (GNP) in 1989-90 was Taka 695.7 billion at current factor cost and Taka 469.3 billion at 1984-85 constant factor cost. The agriculture sector contributed 38.3 per cent and manufacturing sector contributed only 9.9 per cent of the gross domestic product (GDP) in the year 1989-90.

With a per capita income of USD 180 only and negative balance of payments, about 48 per cent of the rural and 44 per cent of the urban population live below the absolute poverty line defined by WHO/FAO expert group for South East Asia. Manufacturing service units of the modern and organized sectors centre mostly in the urban areas. Migration from rural to urban areas in search of job has become a common phenomenon, creating social and economic imbalances. In 1989, 507 million persons i. e. half of the total population was in the labour force seeking employment.

In spite of very low per capita income and lack of material resources, the country is struggling hard to achieve a sustainable development through utilizing the limited natural and abundant human resources.

1.1.4. Administrative structure:

Bangladesh's legal and administrative processes are based on its constitution. The country follows a parliamentary form of government headed by the Prime Minister. There are two major areas of the administrative structure: policy making and field administration. Policy making is the the function of secretariat i.e. Ministry. The field administration structure is divided into 5 divisions consisting 64 of districts. The districts are also divided into several thanas and there are 460 thanas in the country. Districts are the main administrative units of Bangladesh.

There are local autonomous bodies to deal with local development affairs and solve local problems. The lowest unit of local government is the union run by public representatives. The present government has intentions to develop villages as local units. Judiciary system enjoys independence from the administrative structure and the lowest level of court is at the thana.

1.2 Status of Women:

1.2.1 Socio-Cultural

Women constitute nearly half of the total population. Yet in an agro-based poverty stricken developing country like Bangladesh, their life is governed by a patriarchal social system. Their situation can easily be perceived by the state of poverty, complexity of development problems and general social, cultural and economic condition of the country. Their status can be examined through their involvement in overall social, cultural and developmental activities. They are economically dependent and vulnerable, and politically and socially powerless.

The women of Bangladesh are conditioned to be socially and economically dependent due to a conservative social and cultural system and the observance of seclusion which is a feature of Islam. It is significant in it's practice in the social life and the behaviour of women. Women's sphere of activity is traditionally confined to her home and her function is centred around reproduction and as a household attendant. The attitudes and norms have been towards confining women within the household activities and home based production not looking at her as an individual. Even when men could not perform the socially accepted role of breadwinner, they were considered as the head of the family. Crushing poverty overlaid with long-standing patterns of discrimination created harsh living conditions for women and they lived on the edge of subsistence.

Traditions, customs, limited opportunities for education, technical and vocational training lack of employment opportunities barred integration of women in the overall development process,. Women have had limited scope of education and development due to the traditional attitude of the society towards their roles and responsibilities. Though women play a major role in the household, they mostly remained invisible outside the domestic spheres.

However, significant changes have occurred over the last few decades and women are gradually becoming more visible in the labour force, development programs and local bodies. It is worth mentioning that the participation rate for females in labour force is on the increase at a faster rate than males. Women's role as a productive force contribute to a better living of the family through earning extra income is well recognized in recent days. This is mostly due to economic pressure and increased aspirations. In the present context of Bangladesh, women's role is not to be conceived only in economic terms. Their status and position should be considered within the socio cultural norms and practice of the country. Education,

training and job opportunities, income, employment, health determine the role she plays in the family and in the society. These are the major elements which work behind political power and social prestige. Socio-economic changes triggered by increasing rates of landlessness and impoverishment have had a profound impact on women's lives.

1.2.2. Education:

The statistics on the level of literacy in Bangladesh depicts the low rate of development of the country and state of female education reflects lower status of women compared to men. The overall literacy rates of the population (5 years and above) at the national level, according to Population Census of 1991, was 24.82 percent. This was 32 percent for males and this indicator for female was only 16 percent. Poverty though shown as a major cause for not sending children to school, researchers have felt that culture of poverty was the major reason for illiteracy, rather than poverty itself. Mostly male children get preference for schooling. The reason is that women are expected to get married and leave the family and men are expected to look after the parents at the old age. A gender wise breakdown of enrollment at different levels is shown in Annexures III and IV.

1.2.3. Health:

In Bangladesh, poverty pushes health care to low priority and females are more disadvantaged than males in terms of health and nutrition. Life expectancy is also low for women compared to that of men. As wives and mothers they are frequently caught in a life cycle that features early marriage and death in child birth. In the country one out of twelve children are wasted i.e. suffering from acute malnutrition. For males the rate is 8.1 percent and for females it is 9.2 percent. Situation of girl children, specially rural girls are more alarming. Preference in parental care, feeding pattern, intra-familial food distribution, treatment of illness are all favourable to males as a result, female child illness are all favourable to males. As a result, female child mortality, malnutrition, chronic sufferings and maternal mortality is high in the country. This explains for the males outnumbering females of the country. The health situation of urban women is worse than that of rural areas. Due to increased landlessness and urbanization people tend to cluster in the city to find an opportunity of employment and income. These people live in the slum areas in severe conditions without sanitation, water and health facilities, creating health and environmental hazards. Women and children are the worst sufferers in these places.

1.2.4. Population Control and Family Planning:

The large population size with a high growth rate has had an impact upon the age structure of the population. About 49 percent of the total female population fall into the reproductive age group and Total Fertility Rate is 4.3 percent. The Planning Commission has projected that there would be a population of 137.3 million by the year 2000. Early age at marriage, lack of opportunity for female education and employment, infant and child mortality rate, malnutrition coupled with religious fears are persistently influencing the high fertility rate in Bangladesh. The contraceptive prevalence rate is only 40 percent in the country. Women bear all pain for the high rate of pregnancy and fertility.

1.2.5. Employment:

With regard to employment, women in Bangladesh are lagging far behind the men. The Planning Commission projection shows that 12 million new entrants of the working age group will be added in the employment market by the year 2000. The elements of the social system make a woman dependent on a man and segregates the labour market by gender. Their hard work in the family is undervalued and not recognized even as a facilitating factor for bread-winning. Nearly 43 percent of the women are involved in agricultural activities but 70 percent of them work as unpaid family labour. The 1961 census indicated that 11 percent of all women were economically active. The Labour Force Survey 1984-85 stated that women constitute only 8.2 percent of the total labour force. Labour force participation rate for females stood at only 9.9 percent in 1985-86. They work longer hours and work harder than men, typically unremunerated. Their working day ranges from 14-15 hours including child rearing and household management. The trend of increasing landlessness and growing female headed households have exposed women to serious economic pressures and cultural constraints have become irrelevant in situations of extreme poverty. Gradual change in attitude towards working women is apparent. An estimated 8 million women population of whom 40 percent are in rural areas are seeking employment. The 1989 Labour Force Survey shows that female crude labour force participation rate was 40.0 percent as opposed to 53.3 percent for males and refined activity rate for females was 60.9 (Agriculture 55.1% and non agriculture 5.8%) Women participation in the formal sector employment was negligible until the recent past. Women who were working outside the home, mostly were engaged in domestic maids service, tea sector labourers, teaching, medicine, nursing and public service. To increase women's participation in the public sector, the Government introduced a quota system in 1976 at the entry level in the

public sector. Yet, after one and a half decade, they constitute only about 5 percent the of officer positions, about 12 percent in the staff positions and only 3 percent at the lower level blue-collar worker ;positions. Women in the high level management and policy making positions are insignificant. During the last one decade women's participation in the informal sector, offices, NGOs, business concerns have increased substantially. In the industrial sector, garment manufacturing is the largest employer of women More than three hundred thousand women work in about 2000 garment units and they constitute over 90 percent of the total labour force of the sector, who contribute substantially to the export earning of the country.

1.2.6. Situation of women in the eye of law

It is important to consider how the legal system in general functions to promote or hinder women's access to economic resources and control over personal life as a citizen. The legal system which includes fundamental and political rights, succession and right to property, marriage and divorce, guardianship over children and maintenance etc. determine the legal status of any society. Fundamental rights of the citizens as provided by the Constitution of Bangladesh are :

- Laws inconsistent with fundamental rights to be void;
- Equality of all citizens before the law;
- No discrimination against any citizen on grounds of religion; race, caste, sex or place of birth;
- Equality of opportunity in public employment;
- Right to protection of law;
- Protection of right to life and personal liberty;
- Prohibition of forced labour;
- Safeguards as to arrest and detention;
- Protection in respect of trial and punishment;
- Freedom of movement, assembly, association, thought and conscience of speech, profession, occupation and religion;
- Right to property;
- Protection of home and correspondence;
- Enforcement of fundamental rights through courts of law;
- Modification of right in respect of disciplinary law;
- Power to provide indemnity;

1.2.6.1. Constitutional provisions for women:

The legal status of women in Bangladesh, have been assured through embodying some provisions in the Constitution of the country. Article 28 of the Constitution unequivocally states :

(1) The state shall not discriminate against any citizen on grounds only of sex;

(2) Women shall have equal rights with men in all spheres of the state and of public life;

(3) No citizen shall, on grounds only of sex be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution;

(4) Nothing in this Articles shall prevent the state from making special provision in favour of women and children;

Article 26 of the Constitution further states that "All existing laws inconsistent with the fundamental rights shall, to the extent of inconsistency, become void on the commencement with the fundamental rights and any law so made shall, to the extent of incongruity, be void;"

Bangladesh has adopted laws or constitutional provisions envisaging or intending to envisage promotion of equality between men and women. These include reforms of family laws, equal pay and employment, protection and expanded political rights in the spheres of society and state.

(5) Considering the vulnerability of women, particular provisions have been made for reserved seats in the Parliament, Union Parishad the lowest administrative unit- and other local bodies, though they are equally eligible for contest into the electoral process. The Criminal Procedure Codes and Civil Procedure Codes exempt women from being arrested for debt and from appearance before the Court. The Constitution of Bangladesh guarantees equal rights of men and women which is extended in the public life but in the private sphere, the protections that are accorded through the civil laws are outweighed by the inequalities reflected in many areas of personal laws governing the life of women. Socio-economic status differs from

legal status of women. Whatever right has been granted to women, they are often unable to take the opportunities of given rights because of customary practices, their ignorance / backwardness and lack of material - resources.

1.1.6.2. Personal Laws:

a) Rights to property and inheritance law:

Muslims:

The primary source of Inheritance Law for Muslims in Bangladesh is the Holy Quran. The Hanafi Muslim Laws also recognise Hadith i.e. precepts, actions, sayings of Prophet Muhammad (S.M.) preserved by tradition and handed down by authorised persons. There are three classes of heirs:

(i) Shareholders - who take prescribed share of inheritance.

(ii) Residuary - who take prescribed share after satisfying the claims of the above and

(iii) Distant kindred - who succeed generally in the absence of shareholders and residuary.

Under the Muslim Law, a wife receives as share 1/8 if there is child, 1/4 if there is no child from the estate of her deceased husband. though a husband receives as share exactly double i.e. 1/4 and 1/2 under similar situations from the estate of his wife. A mother receives from the estate of her son 1/6th as share when there is a child of her son or when there are two or more brothers or sisters or one brother and one sister or her son. On the other hand, a father receives from the estate of his son 1/6th share if there is a child of his son, and in the absence of any child of his son he receives the entire residue after satisfying other shareholders' claims. When there is a son, a daughter receives 1/2 of a son, and in the absence of a son, a daughter receives 1/2 share and if there are more than one daughter, they get 2/3rd of the estate of their father equally and the residue goes to the agate relations in accordance with the rule of exclusion. Again, if a man dies leaving a daughter and no other shareholders or residuary, the daughter(s) get the entire estate of the deceased. The Quran thus provides that women as daughter, mother and wife would, under all circumstances, be entitled to some shares under the Laws of Inheritance. However, in explaining the difference of shares between a male and a female, the Muslim Jurists say that the reasons for this difference are that a woman inherits shares from

her husband as well as from her father and also receives dower from her husband. Moreover, she has no responsibility to maintain anybody. Her husband is bound to provide her maintenance. If there is no child the widow will inherit 1/4 th of her husbands property, and, in case, there is a child, 1/8th of the property. In the first instance, she does not have to take responsibility to maintain anybody, and in the second instance, she gets her own maintenance from her child. Another reason was that, under Islam, a widow can marry again. So, if she remarries and takes with her a large share of the property of her deceased husband, there will be social problems.

However, as the years passed on, socio-economic conditions changed. The underlying principles of inheritance, marriage and divorce were no longer observed by people. So, in 1961, Muslim Family Laws Ordinance was promulgated conferring, among others, inheritance rights to the children of the predecessors sons and daughters. Previously, they could not inherit according to the rule that nearer in relationship excludes the remoter.

So far as testamentary succession is concerned, a Muslim cannot bequeath more than a third of his estate. Therefore, a Muslim cannot by "will" bequeath all property to his only daughter if other heirs are there. But a will in excess of the legal third may be validated by the consent of the heirs. The reason is that the limits of testamentary power exists solely for the benefit of the heirs and the heirs may, if they like, forgo the benefit by giving consent. However, the right to property which Islam has provided to a woman, is difficult to enjoy due to poverty or ignorance or illiteracy.

Hindus:

In Bangladesh, the Hindus are governed by Dayabhaga School of Hindu Law. The sources of Hindu Law are:

(a) Sruti (containing the very Works of the deity as heard i.e.: four Vedas
(b) Smriti (collection of percepts of God handed down by the Sages of antiquity),
(c) Judicial Decisions,
(d) Customs,
(e) Acts of Legislature.

In the Hindu Law of Inheritance in order of priority, the heirs are son, grandson, great-grandson, widow, daughter, daughter's son, father, mother and so on. The doctrine of spiritual efficacy is the guiding principle of succession under Dayabhaga School. Only five classes of females are

considered as Sapindas who can normally inherit and that is, too, a life estate. They are:

(a) Widow
(b) Daughter
(c) Mother
(d) Father's Mother and
(e) Father's Fathers Mother

No other female is considered a heir by the Dayabhaga Law. The legal status of Hindu women was in worst condition. After Hindu Women's Rights to Property Act, 1937, a widow or, if more than one widow, all widows, together shall take the same share as a son.

The right to property of Hindu women is limited and restricted. But the Muslim and the Christian women do not suffer from such limitations and restrictions. But unlike Muslims or Hindus the Christian Women's Inheritance Law is guided by the Succession Act, 1925. Christian women can dispose off property by will. A Christian widow, in the absence of lineal descendant, will receive 1/2 of the deceased husbands estate, and if there is lineal descendant, 1/3rd of the the estate. The daughter receives equal share as that of a son.

(b) Rights to marriage and divorce

Muslims:

So far as Muslim marriage is concerned, there exists a notion that Islam allows polygamy due to the presence of a verse in "The Holy Quran" (Sura-al-Nisa 3). In fact, unrestricted number of wives at the time of ignorance was limited to a maximum of four, provided, one could treat them with perfect equality in material and immaterial things as well as in the case of affection. As this condition is most difficult to fulfil it is understood that the Quranic recommendation is towards monogamy and not towards polygamy. This condition was misused by some men, and Quranic instructions were violated by them. So, to keep the spirit of the Holy Quran, certain changes in the marriage and divorce law became necessary. "The Muslim Family Laws Ordinance, 1961" also restricted polygamy, raised the marriageable age of girls from 16 to 18 years, added new grounds for dissolution of marriage by wives. According to Section 6 of the Muslim Family Laws Ordinance, 1961, the husband must have permission from the Chairman of the Arbitration Council, if for any reason, he wants to marry again during the existence of the previous wife. Such violation is a ground

for divorce under Section 2 (iia) of the Dissolution of Muslim Marriage Act, 1939. Moreover, the husband is also liable to be punished by fine and imprisonment and he is bound to pay the entire dower money immediately, and if he does not pay, then the money is recoverable, under Certificate Procedure as arrears of land revenue. Unfortunately, even educated women are not aware of the existence of such legal rights. Even if women know about such rights they are unable to implement them because of socio-economic conditions. Again, the question of jurisdiction of courts to entertain a case whether at the place where the second marriage takes place or where the aggrieved wife resides, creates enormous difficulties for the wife to lodge complaint or file a case, and in most cases, the legal remedy remains out of her reach. Again, in most cases, the consent of the existing wife is exacted who settles with her husband at the cost of her feelings for fear of becoming a destitute. The husband is liable to be punished for violation of the law. A woman does not lose her right of remarriage, neither is it mandatory for the wife to take the surname of her husband. The Holy Quran expressly states that wives have similar rights on their husbands. Muslim marriage is regarded as a contract. So, consent of the parties to marriage is essential, and marriage without the consent of any of the parties is void. However, marriage of a minor will attract the penal provisions of The Child Marriage Restraint Act, 1929 (discussed later on). A Muslim woman does not lose her right to the property of her parents after marriage.

A Muslim husband as well as a Muslim wife can sue against each other for restitution of conjugal rights. Under Muslim Law, (talaq-divorce) falls into two main categories, viz. Talaqus-Sunnat (The form of divorce approved by prophet) and Talaq-i-Biddat (irregular divorce). Again, Talaqus-Sunnat are of two kinds: Talaq-Ahasan and Talaq-Hasan. Muslim Family Laws Ordinance, 1961 (under Section 7) has provided that, whatever may by the form of talaq, the husband has to give a notice to the Chairman of the Union Council (now Union Parishad) and to supply a copy thereof to the wife. The talaq pronounced shall be effective only on the expiry of ninety days from the day on which the notice is served to the Chairman. It is open to the husband to revoke the talaq at any time before it becomes effective. A husband or wife can remarry each other again without having the wife to go through an intervening marriage with a third person unless such termination by talaq is for the third time so effective. The Muslim Marriages and Divorces (Registration) Act, 1974 Law which is applicable to all Muslim citizens of Bangladesh, provides for registration of marriage and divorce. But it does not make any marriage illegal or void for non-registration. Again, under Section 6 (3) of the Act, it is provided that registration of divorce is only possible on production of documents.

Therefore, unless there is Talaq-i-Tafweez in the marriage deed, the wife cannot register divorce and the Act has got no application, and in such cases the wife is to apply before a Court for dissolution of the marriage.

Hindus:

Under Hindu law marriage is a religious sacrament. The ancient Hindu law recognised eight forms of marriage, of which four were approved and four were unapproved. The only form of marriage the law recognises are:

(i) Brahma form and
(ii) Asura form.

Where the father or guardians of the bride goes in marriage without receiving any consideration from the bridegroom for giving the girl in marriage. the marriage is called Brahma. But where he receives such consideration (technically called "Shulka" or bride's price) the marriage is called Asura.

However, it appears that Dowry Prohibition Act 1980 affect Asura form of marriage. A Hindu may marry any number of wives although he has wife or wives living. Polygamy is allowed in Hindu laws. The remarriage of Hindu widow has been legalised by Hindu Widows Remarriage Act, 1856. The remarriage of Hindu has been legalised by Hindu Widows Remarriage Act, 1856. It may be mentioned that divorce is not known to general Hindu Law. Neither party to a marriage can divorce unless divorce is allowed by custom. There are significant changes in the Law of Marriage and Divorce in India but no such enactment has yet been made in Bangladesh.

Christians:

So far as Christian marriage is concerned, a Christian woman is guided by the religion of the community (either Protestant or Catholic) to which she belongs. Polygamy is prohibited amongst the Christians. Marriage during the existence of previous marriage is illegal. The husband is liable for the offence of bigamy which is punishable under Section 494 of the Bangladesh Penal Code by imprisonment which may extend to 7 years and also by fine. If he commits the same offence with concealment of former marriage from the person with whom the subsequent marriage is contracted . he will be liable to punishment by imprisonment ,which may extend to ten years and also by fine (Bangladesh Penal Code, Section 495).

Even though marriage is a sacrament to Christians, divorce is allowed by the Divorce Act, 1869 whereby, both men and women can apply to the Court for dissolution of marriage. Unlike a Muslim husband, a Christian husband does not exercise the same right of divorce. It may be mentioned that Section 32 of the Act permits both husband and wife to apply for restitution of conjugal rights.

There are important changes brought by statutes with regard to marriage by the Child Marriage Restraint Act, 1929 and Dissolution of Muslim Marriage Act, 1939. A wife can file a divorce suit under the provision of Dissolution of Marriage Act, 1939 on grounds such as cruelty, immorality, impotency and other grounds, as laid down in Section 2 of the Act.

Since the passage of Child Marriage Restraint Act, 1929 and the amendment thereof, marriage of a male under 21 years of age and of a female under 18 years of age was an offence and whoever contracted, performed, conducted or directed such marriage was liable to punishment. This Act is applicable to Hindu, Muslim and other communities.

So far as maintenance is concerned under Muslim Law, a wife is entitled to claim it from her husband. A Muslim wife can seek divorce on the ground of the neglect or failure of the husband to provide maintenance for two years. But, if the wife wilfully fails to perform her marital duties, she has no right to claim maintenance, and in such case, she cannot claim maintenance by her husband. A Muslim wife is entitled to maintenance in case of divorce from the husband. Similarly, a Hindu wife is entitled to be maintained by her husband. The personal laws of both Muslim and Hindus govern the field of maintenance, and that Section 488 of the Code of Criminal Procedure applies to all citizens.

(c) Guardianship of Children:

Muslims:

Under Muslim Law, the mother is entitled to the custody of the minor son up to the end of the seventh year, and in case of female child, until puberty. Mother loses the right to custody if on divorce, she marries a stranger or leads an immoral life or neglects to take proper care of the child. The mother can be appointed guardian of the child's person and property by the Court for the best welfare and interest of the child.

Hindus:

Under Hindu law, the father is the natural and legal guardian of the person, and property of the minor child, and next to him, is the mother. However,the father can appoint another person as the guardian of his child by Will. Under Section 7 of the Guardianship and Wards Act,1890 , the Court may appoint any person as guardian of the minor person and property for the best interest and welfare of the child if the father is proved to be unfit.

Christians:

So far as guardianship is concerned a Christian woman on the death of the husband is the natural guardian of her minor child. She is also entitled to the custody of the child and to the guardianship of the property of the child. However, in case of divorce, the custody, maintenance, guardianship and the power to dispose off property of the minor by a Christian mother are being determined by the Court.

So far as the offences are concerned, under the General Penal Code and Criminal Procedure, men and women are similarly punishable.

1.2.6.3 Other laws:

Dowry Prohibition Act:

Dowry traditionally was a voluntary gift given to a bride by her father out of affection. Unfortunately this voluntary action has become an economic oppression to the girl's parents. Dowry is the payment of a settlement from the family of the bride to the groom. This practice has grown in recent years even though it is not a part of Muslim marriage law. In most cases the groom's guardians want prior commitments of gifts before marriage which becomes obligatory to the parents of the bride. If the bride's guardians fail to fulfil the commitments sometimes the marriage proposal breaks which causes disgrace to the bride and her family. Once a proposal marriage is broken it becomes difficult for the girls to get married to some other person. Sometimes the bride is abused or tortured even after marriage.

In 1981 the Parliament passed an Act called the Dowry Prohibition Act which was amended in 1982 by a Martial Law Regulation.

- Civil Laws relating to rape requires an independent witness to testify the truth to allegation and it is the responsibility of the victim to prove the offence. It definitely lowers the status of women while she has to go for medical examination;

- Marriage of a Muslim male with a non Muslim woman is acceptable, but the marriage of Muslim woman to a non Muslim is not accepted in the Muslim Personal Laws;

- Anti- terrorism Ordinance. 1992 provides for severe punishment for all sorts of terrorism including teasing women and abducting children and women;

As a matter of fact, the issue of legal status and equality is closely related to the problem of under development, poverty, illiteracy and unemployment. So, the attainment of de facto equality pre-supposes not only the equality under the law but also the equal access to resource, education, economic opportunity power to participate, share and equal access to decision- making at all levels.

1.2.7. Obstacles encountered:

Women of Bangladesh as in many other developing countries do not enjoy equal rights with men. The fundamental rights provided by the Constitution of the country cannot be exercised by womenfolk for several reasons.

Inconsistency of constitutional provisions with Personal Laws is a feature of the legal system. Personal Laws especially provides for the differential treatment of women from men. This differential treatment of women contributes to their inferior social, economic, political and legal status in the society.

Age at marriage for Bangladesh women is in reality much lower than the legal provision and the lower age at marriage leads to teenage pregnancy, maternal mortality, ill health and population growth. Mostly, lack of security, religious belief, urban-rural differentials, education level, work and status are associated with low age at marriage.

There are problems of implementing the legal provisions due to women's ignorance about legal rights given to them. Women in Bangladesh frequently do not enjoy even the right provided by the prevailing laws. The reasons are as follows:

- Women's ignorance of their legal rights;
- Economic dependence of women on male family members;
- Male domination in the family and society;
- Some legal barriers;
- Religious barriers, etc.;

Another problem which limits women's right to exercise their legal power is fear of social strictures. Women are expected to bear all sorts of pain to maintain a good image in the family and the society. Even educated women in some cases are victims of these expectations. The Government of Bangladesh ratified the Convention on the Elimination of Discrimination against Women excluding Clause 2.13(a), 16(1)(c) and (f), as those are inconsistent with the relevant provisions of Personal Laws which are based on religion.

2. FRAMEWORK WITHIN WHICH BANGLADESH APPROACHES THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

2.1. Introduction:

Part 1 of this report has already elaborated about the socio-economic, political and legal situation of the country with special reference to women. Their civil and political rights, personal rights provided by the family laws on inheritance, marriage and divorce, guardianship of children and maintenance, dowry, violence against women and other laws which guarantee equal rights to women constitutionally but discriminate against women in practice has been discussed. This part of the report will deal with what have been done so far in the country to eliminate discrimination against women.

2.2 Measures adopted:

As has been discussed earlier, the Constitution of Bangladesh provides for equal right for men and women, though socio-cultural situation does not allow women an equal status with men; Bangladesh Government has taken up this issue very seriously and has undertaken several measures. Some of these are through enactment of new laws and modification of the existing laws but the major thrust has been put on policy intervention. Development plans and policies significantly address the needs of women. Development policies and programmes have been formulated for elimination of discrimination against women through changing their socio-economic status.

Programs include creation of more opportunities for their education, employment, awareness raising and changing social attitude towards women. The development plans of the country have incorporated gradual changes in the approach regarding involvement of women in the development processes. They are more considered as partners and as agents of development rather than as beneficiaries.

2.2.1. Development Plans of the Country:

First Five Year Plan (1973-78) emphasized on welfare oriented rehabilitation approach and did not focus on women excepting rehabilitation of war affected women and children. Bangladesh Women Rehabilitation Foundation was established in 1974 and Women's Affairs Department was established in 1976 . Population control was taken as most important areas where women were considered as beneficiary and their productive role was not emphasized much.

The next Two Year Plan (1978-80) was characterized by a move from welfare to development oriented efforts. Women's development was taken as a central focus. Women's Affairs Department was upgraded as Ministry of Women's Affairs in 1978 to deal with the development concerns for women. Bangladesh, thus was one of the few countries of the world to have a full fledged Ministry to work for women's emancipation and development Bangladesh Jatiya Mohila Shangstha, Government sponsored national women's organization was set up and vocational training, credit and income generation programmes were given emphasis, Hostels were set up to provide accommodation for working women. For increased participation of women in the public sector, provision of a 10 percent quota in government and in semi-government services was introduced.

The Second Five Year Plan (1980-85) emphasized more dynamic and diversified programs. The major objectives were to create atmosphere for making women's participation in development activities increasingly positive. This was done through expanding opportunities for specialized training, skill development, provision of credit for income generation and better protection and care for children etc. Entrepreneurship development programmes were initiated. The strategies included an integrated multi-sectoral approach with MCH, nutrition, education and employment. Day-care Centre and Career Women's Hostels were also established.

The Third Five Year Plan (1985-90) strengthened the previous plan activities. To achieve the overall integration of women in the development

process the plan had specific objectives to reduce imbalances between development of men and women. More emphasis was given on expansion of employment and credit facilities, accommodation for job seeking women, leadership and managerial skill development, training etc. Primary health care, employment and skill training were linked with population control. The strategies included establishment of Supreme Council for Mother and Children, programmes for rehabilitation of prostitutes, provision for legal aid for women, strengthening of NGOs etc. The year 1990 was declared as the "Year of The Girl Child" to create consciousness about the situation of girls in the family. Provision of free education for girls up to grade eight outside municipal areas and free education for only the girl child of the family were introduced. The Third Five Year Plan also included establishment of Employment Information Centre and advocacy, awareness and information centre on Women In Development (WID).

The Fourth Five Year Plan (FFYP 1990-95) has the objectives of accelerating economic growth, poverty alleviation and increased self-reliance. The strategies include integration of sector based planning with group based planning and mainstreaming of women to reduce gender disparity. Development policies with regard to women have been placed within the context of macro-economic framework for multi-sectoral thrust. The focus of the plan is more on the development of poor and disadvantaged women. Special attention is given on greater opportunities for income generation, institutional credit and organization building for participation in bottom up planning. Women have been considered as direct beneficiaries and as change agents.

The following are the objectives regarding WID envisaged in the FFYP :

i) to increase women's participation as beneficiary and agent particularly in education, health and family planning, agriculture, industries, trade, services, environment and natural resources sectors ;

ii) to increase women's share in the public sector employment from 6 percent to 15 percent;

iii) to increase female literacy rate from 15 percent to 30 percent;

iv) to improve the nutritional intake of female population and to increase the access of medical services for both mothers and non-mothers;

v) to alleviate poverty among the women and young girls living below poverty line;

vi) to expand vocational skill development facilities for women specially in non-traditional areas;

vii) to expand credit facilities for women to enable them to take up self-employment both in rural and urban areas;

viii) to expand accommodation facilities for job seeking/working women and day care centre/services for the children of working mothers;

ix) to deal with special concerns of women relating to destitution, violence, and legal aid requirement and take measures to redress them;

x) to take measures for over all development of children with special emphasis on the girl child; and

xi) to create a gender-responsive development awareness in general and positive self-image of women in particular.

Strategies of the Fourth Five Year Plan emphasise that women as a class are to be developed. This means to develop women as complete persons, to give them opportunities to realize their full potentials and ensure their economic and political participation.

Major programmes include :

- Women's credit programme and promotion of female entrepreneurship;
- Skill development training programme on different trades;
- Poverty alleviation programme for women to organize themselves and involvement in income generating activities;
- Vulnerable group development programme for involving poor destitute women in income generating activities through providing food subsidy;

- Creating accommodation facilities for working and job seeking women and day care centres for working women;

- Special women's concern programmes relating to destitution, countering violence against women, provision of legal aids under the Ministry of Women Affairs;

- Provision for formulation National Council for Women's Development for coordination of WID;

- Projects on health for all and universal primary education.

In the FFYP the major thrust for WID is multi-sectoral and all Ministries are responsible to formulate and implement WID projects. The role of the Ministry of Women's Affairs includes national policy formulation regarding women, implementation of special programmes for women's welfare and development, dealing with matters relating to legal and social rights, control and registration of women's voluntary organizations, dealing with international organizations in the field of development of women. The Ministry's role has been expanded to coordinate the WID aspect of different sectors.

Role of Non-Government Organizations (NGO's)

The Fourth Five Year Plan recognizes the importance and contribution of NGOs and wants to utilize their services in a coordinated way. It is expected that NGOs will play a creative and innovative role in improving the conditions of poor and disadvantaged. NGO activities should be supplementary to government's main thrust towards decentralized participatory planning with "thana" as the coordination unit. They will also be involved specially in awareness raising, technology transfer and development and training of target groups.

2.3. Institutions which have the task to ensure equality between men and women:

2.3.1 Role of government agencies :

Since the Fourth Five Year Plan aims at mainstreaming of women in development, all the sectors and ministries are responsible for incorporating WID aspects in their development programmes which are designed and implemented by the ministries and agencies according to their own mandates. The Ministry of Women's Affairs has been entrusted with the responsibility of coordination. A National Council for Women's Development

is being established consisting of several line Ministries with the Prime Minister as the Head of the Committee. Persons have been identified as WID focal points in different Ministries who will be responsible to look after the concerns of women in the programs of their respective Ministries.

2.3.2. Role of Women's Groups :

Several women's groups have taken up activities to raise awareness and act as pressure groups for ensuring equality between men and women. Some of these organizations are as follows :

Bangladesh Mahila Parishad (BMP) was set up in 1970 with an aim to mobilize women for participating in liberation movement. Later BMP started working for socio-economic development of women by imparting literacy, family planning services etc. Now BMP is working for rehabilitation of prostitutes and providing legal aids to abused women. BMP is working for creating public awareness against dowry and oppression of women and advocating for legal reform for elimination of discrimination against women.

Bangladesh Federation of Business and Professional Women (BFBPW) was established in 1974 as an affiliated body of the International Federation of Business and Professional Women's Club. BFBPW consists of 13 clubs from different districts of working women regarding their working environments and rights. The Dhaka and Chittagong clubs run hostels for working women; the Dhaka club has a training school for women on secretarial science. Other clubs have projects on adult and child literacy, family planning and music lessons.

Women for Women established in 1973 is a group involved in research and study on women issues. The organization aims at suggesting areas of policy intervention and creating awareness among people. Research, holding of seminars, workshops, training courses and publication are the major activities of the organization. Women for Women has published about 30 books and produced four documentary films on various aspects of women's life.

Naripakkho was formed in 1973 and have more than 200 professional and career women as members. This is a feminist group mainly working for creating awareness on legal rights, dowry problems and other gender issues through organizing workshops, seminars etc. Naripakkho also provides assistance to other agencies on organizing training workshops on women and gender issues.

Saptagram Nari Swanirbhar Parishad was organized in 1977 to organize rural poor women of Faridpur district for awareness raising on women's rights and potentials for income generating activities. Male and female groups are organized at village level and the women members are encouraged to undertake non-traditional activities.

Bangladesh Mohila Samity (BMS) organized in 1949 named as All Pakistan Women's Association (APWA) is the oldest women's organization of the country. After liberation of Bangladesh APWA was reorganized and renamed as Bangladesh Mohila Samity. The objectives of the organization are to emancipate and establish equal status for women through provision of education and employment opportunities. BMS runs two educational institutions and a number of cottage industry programmes for destitute women.

Bangladesh Federation of University Women in an affiliate organization of International Federation of University Women. It runs a college for girls, a secretarial science training course and some charitable activities for poor women. Educated women are members of the organization and it has branches in other cities.

2.4. <u>The means used to promote and ensure development and advancements.</u>

Poverty alleviation has been taken as the theme of the Fourth Five Year Plan of the country. Women being the majority of the poor in terms of class and gender position, they have been considered as the major target group as well as agents for development. The Plan emphasizes regional poverty alleviation programmes for women. Education, MCH, legal aid, training, credit for investment have been identified as important areas for meeting the practical needs of the women. Some programmes also try to deal with their strategic interests to change their position. These programmes emphasize building of women's organization for their empowerment along with helping them to meet the practical needs.

It has been pointed earlier that women remained outside the mainstream of development activities for long. A number of specially designed programmes have been taken by the government and NGOs for the development of women. Some poverty alleviation programmes also include women as participant and beneficiary. Besides creation of self employment opportunities for rural and urban women some special programmes have been undertaken. These programmes include legal literacy, awareness

raising, conscientization, legal aid and shelter for destitute and working women. Some of the major programmes are :

2.4.1. Government Sector Projects:

Projects of the Ministry of Women's Affairs:

Women's Vocational Training for Population Activities:

This project is supported by the World Bank for developing income generation skill among rural women through training and motivate them towards small family norms, development of leadership qualities among women for population planning and motivation. So far 40 union level and 130 thana level training centres have been established under the project.

Self-reliance Project for Rural Women:

The project supported by the Norwegian Agency for Development aims at strengthening of the structure of development of Women's Affairs at the village level. Another objective of the project is to assist rural women for self- reliance by bringing them under credit activities and skill development training programme. 38 thanas are covered under the project.

Agriculture Based Programme for Women:

This project funded entirely by the Government of Bangladesh was started in 1988. The project aims at developing skills on poultry raising, vegetables cultivation, small scale fisheries among women through imparting practical training and thus contribute towards their socio-economic upliftment. An agriculture training centre has been established at Zirani of Gazipur district to train the women on these trades. Women are also given training on family planning, literacy, child care, health and nutrition etc. and credit support for income generating activities.

NGO Community Based programme for Women and Children:

The project aims at mobilization and organization of rural women with the help of non- government voluntary organizations. 158 local NGOs are involved in organizing and training women under the project.

Technologies for Rural Employment with Special Reference to Women:

The International Labour Organisation executed project has a multi-disciplinary approach to evaluate, screen, adapt, disseminate and monitor improved technologies and encourage the adoption of appropriate technological innovations for poverty alleviation, income generation, employment creation, increase in labour productivity and reduction in the burden, strain, workload and drudgery of poor and disadvantaged rural women in Bangladesh, particularly in non-traditional areas and also provide support for strengthening the institutional capabilities of the Women's Affairs Department. In addition to providing equipment prototypes, the project provides skill development trainings to members of women's groups assistance with marketing and linkages with manufacturers, users, R&D institutions, etc. With a duration of three and one half years the project is being implemented by the Women's Affairs Department with financial assistance from the Government of Norway.

Use of Rural Mother Centres for Population Activities:

This project popularly known as "Mothers Club" started in 1975 initially with World Bank assistance with a view to integrate population activities with development efforts. The theme was to involve women in self-employment activities and population control motivation towards small family norms. The project implemented by Department of Social Services endeavours to impart skill development training and thus help women in getting self-employment opportunities. Functional education on maternal and child care, nutrition and family planning is given to improve their life.

Jatiya Mohila Shangstha (JMS)

JMS was created in the year 1976 as the apex national women's organization named for social, economic, educational and cultural upliftment of women. JMS had to undergo many changes since its inception regarding its activities and character. It has been declared an autonomous organization through an Ordinance in 1991 and working under Ministry of Social Welfare and Women's Affairs. The district and thana level organizational structure is functioning in a limited scale. The main activities include skill development on weaving, handicrafts, tailoring and motivation for family planning, tree plantation, sanitation etc. from government granted funds. Recently a computer-use training unit has been established for women.

Projects of the Ministry of Relief and Rehabilitation:

Vulnerable Group Development Programme:

This is the largest programme targeting women in extreme poverty under the Ministry of Relief and Rehabilitation supported by the World Food Programme. The programme started as a food relief programme in 1975 for destitute mothers and children of all the unions of the country. Later, the programme has been redesigned to provide wheat as a subsidy to destitute women for involving themselves in saving and income generating activities. Beneficiaries are given 31.25 kilogram of wheat every month for a period of two years and they are involved in government and NGO programmes for literacy training and credit. This programme is implemented through the Union Parishads and so far have assisted more than six million women.

Rural Maintenance Programme:

This is a programme supported by multiple donors, coordinated by CARE International and implemented through Union Parishads. More than 60,000 women are employed all over the country to maintain rural earth roads and earn income daily but paid at the end of the week.

Post-Monsoon Rehabilitation:

This programme is implemented through Union Parishads and supported by the World Food Programme (WFP). Women are employed after the rainy season to repair and reconstruct the damage caused by monsoon rural infrastructure. Wheat as wage is give and women get short-term employment for about two months every year.

Food for Works Programme

This is also a programme supported by WFP and implemented through Union Parishads. Model 972, Men and Women are employed for rural infrastructure building in exchange of wheat. Every year more than 150 million man-days of lean season employment is generated and women get about 25 per cent of the short term employment generated.

Projects under Ministry of Local Government, Rural Development and Cooperatives :

Rural Development Project 12 :

This Project is implemented by the Bangladesh Rural Development Board (BRDB) and started in July 1988. It has organized more than 307,000 assetless men and women in more than 12,000 cooperative societies in 139 thanas of 17 districts of Bangladesh. This is the largest poverty alleviation programme of the government and about 55 per cent of the beneficiaries and 40 per cent of the field functionaries are women. The activities include motivation and organization of men and women to form co-operative societies and impart them training on human development, organizational development, co-operative management, skill development etc. More than 137,000 people are being given loans for income generating activities. The innovative part of the project is to provide technical skills on improved poultry raising, cow fattening and other activities through a Technical Resource Team and establish linkage with credit opportunities for income generating activities on the same trade. The project seeks to maximize the potential to get access and gain control over local resources and utilize them and sustain the benefits through their own creative potentials.

Population Control Through Rural Women's Cooperatives:

Popularly known as the BRDB Women's Programme, this project was launched as pilot project under BRDB in 1974 supported by World Bank to develop rural women's cooperatives. Family planning motivation and services were integrated with income generating activities. Cooperative leaders are trained at thana level on different issues and subsequently act as trainers for their group members. This project covers 100 thanas of the country and organized 120,500 women up to September 1992 in 3,175 women's cooperative societies. Ten training-cum-production centres have been established to develop vocational skill among women.

Rural Development Project 9 and Rural Development Project 5:

There are two other projects implemented by BRDB. These are also poverty alleviation programmes and work with rural assetless people . The project work in different areas and organize men and women into informal groups. Major activities include organization, credit, awareness raising, literacy and vocational training.

Infrastructure Development Project.

Implemented by the Local Government Engineering Department for development of rural infrastructures like rural roads, small bridges, culverts embankments etc. The project covers six districts and is assisted by the Swedish International Development Agency (SIDA). One of the major components of the project is routine maintenance of earth roads which employ only women as labourers and supervisors. Women are employed to maintain the rural earth roads throughout the whole year. Another component of the project is to contract out construction work for earth roads to a group of local landless people and 50 percent of the earth road construction project area is done by women.

Project of the Ministry of Industries:

Women's Entrepreneurship Development Programme (WEDP):

Implemented by the Bangladesh Small and Cottage Industries Corporation (BSCIC) this was started as a pilot project in 1984 in 4 selected thanas. The objective is to develop women as entrepreneurs through providing them with training and credit facilities to establish small scale manufacturing and service units. BSCIC assists them in procurement of raw materials, design, marketing information, etc. WEDP is assisted by U.S. AID and women are given loan from the bank without any collateral security. The project has so far assisted few hundred women entrepreneurs to set up their independent business enterprises.

Projects of the Ministry of Youth Development

Thana Resource Development and Employment Project:

This is a project implemented by the Department of Youth Development with support from the Asian Development Bank. The project aims at alleviation of poverty through creating self-employment opportunities for young rural men and women. The project considers the family as a unit for development and provides training and credit support to the beneficiaries.

2.4.2. Non-Government Programmes:

GRAMEEN BANK

The GRAMEEN BANK is a private Bank internationally reputed for its successful approach to introduce the rural poor with institutional credit mechanism. The specially designed credit programme of Grameen Bank is one of the most innovative one to reach credit to the landless people who are unable to provide collateral security for institutional credit. The Bank has been able to provide credit to 1.3 million people for income generating activities (productive or trading) through organising them in 5-member groups. Ninety three per cent of the beneficiaries are women and the repayment rate is 99 percent. The borrowers of the bank own 75 percent of the shares and government owns the remaining 25 per cent. The Bank is operating in 26,360 villages through 44,455 centres. Grameen Bank has taken up a wide range of activities such as housing loan, sanitation etc. Recently, the bank has started an agricultural development programme for sinking 700 deep tube wells each serving about 120 small farmers.

Bangladesh Rural Advancement Committee (BRAC):

The largest NGO in Bangladesh working for rural development was founded in the year 1972. Its programmes include multiple activities like mobilizing rural poor men and women in groups for undertaking economic activities, provide training and credit provide functional education on health, nutrition. BRAC's activities are mostly related to :

(a) general rural development
(b) education
(c) health and
(d) support services.

Women constitute over 50 percent of the total group members covered by different activities. The craft development and marketing assistance programme to rural artisan group of BRAC has gained popularity among the international community. The child survival program has been able to popularise oral rehydration therapy for diarrhoeal disease control and child vaccination against six killer diseases.

PROSHIKHA

PROSHIKA organizes rural landless men and women and poor peasants with the objectives of socio-economic self reliance. Beneficiaries are

organized into groups and encouraged to undertake income generating activities through own savings supplemented by Proshika revolving loan funds. Gender preference exists in Proshika's credit terms and interest rate. The differential terms and lower rate of interest for women is to provide incentives for women to participate more in economic activities. Proshika emphasises an empowerment of poor through a participatory development approach and achieve a sustainable development. A project for small scale irrigation scheme managed by landless groups by purchasing irrigation pumps and selling water to the land owners has been started. This provides the landless with income as well as raises status as they own an important means of production.

NIJERA KORI

NIJERA KORI established in 1974 to work with rural women has covered 1,000 villages of 40 thanas 20 districts so far. Their activities include organization, motivation and capital formation through generation of savings. Nijera Kori started organizing men also since 1980 and now has 4,000 groups with one hundred thousand men and women as members. It has some special programmes in islands and backward thanas of the country for livestock development, interest free loan and cultivation of khas land.

Rangpur Dinajpur Rural Service (RDRS):

This large NGO working in the northern region of the country was established in 1981. The main activity of RDRS aims to create self-confidence among poor and single women. Activities include organizing women in groups, provide functional education, vocational training on weaving , sewing and other activities.

2.5. Whether the Convention can be invoked before courts/ tribunals :

Bangladesh has ratified the convention but not accepted it as a legal binding. Some internal laws are in conformity with the provisions of the convention. Some reforms/modifications have been made for protecting the rights of women. Wherever the rights are violated the internal laws take care of these. Some laws which provide for special rights of women and attempt for elimination of discrimination against women are as follows:

The Muslim Family Laws Ordinance of 1961 and its Amendment in 1986 regulates the personal aspects like inheritance of property, marriage and divorce, guardianship and custody of children etc. Provision has been

made so that a husband has to take permission from his wife before entering into a second marriage. The law also provides for punishment in violation of this but the second marriage is not void in such cases. A woman cannot enter into a second marriage under any circumstances while her husband is not dead or divorced. The law has been extremely useful to protect the inheritance rights of minor children in case of death of their father.

The Dowry Prohibition Act of 1980 and Amendment in 1986 has made taking and giving of dowry as an offence punishable by fine and imprisonment. In spite of this, dowry still remains to be the major cause of domestic violence against women.

Cruelty to Women (Deterrent Punishment) Act of 1983 has enhanced the punishment to life imprisonment and death penalty for kidnapping or abducting women, trafficking of women and children, attempt to cause death (acid throwing), committing rape etc. This law provides for capital punishment for the husband and relatives for causing death or attempt to cause death to the wife for dowry. This has drawn public attention though it has had little impact due to problems in implementation of laws.

The Family Court Ordinance of 1985 has been considered as legal reform by establishing family courts at the thana level which deal with cases of rural people relating to marriage, divorce, restitution of conjugal rights, dower and custody of children. Provisions are there for reconciliation between the parties and quick disposal of trials.

The Child Marriage Restraint (Amendment) Ordinance, 1984 provided for raising the legal age of marriage for both male and female and also provided punishment for any one marrying before that age. However this law is rarely enforced.

The Marriage and Divorce Registration Act 1974 provides for documentation and registration of marriage contract (document called the 'Nikah Nama") mentioning the amount of dower. Marriages in rural areas are rarely registered.

The Anti-terrorism Ordinance 1992, has been promulgated in September 1992 which provides punishment for all sorts of terrorism including teasing women and abducting children and women. One or more special tribunals are to be set up in each district and investigation of cases under the Ordinance is to be completed within 30 days after the case is lodged. This Ordinance provides for death sentence, life imprisonment

and jail term of maximum 20 years for some offences . These laws have been discussed in Part I .

3. IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION

3.1 Information on provisions of the Convention

This part of the report deals with the activities and measures taken by the state party in respect of each of the provisions of the convention.

3.1.1 Elimination of all forms of discrimination

The Constitution of Bangladesh clearly grants equal rights to women in all spheres of life. It also provides for making special provision for the advancement of any backward section of citizens including women. Article 26 of the constitution provides that any law inconsistent with the fundamental rights shall to the extent of inconsistency become void. But Muslim and Hindu personal laws which govern the rights on property, inheritance, marriage, custody and guardianship over children etc. based as they are on religion, remain unaffected.

3.1.2 Equality in national constitution and legislations

The constitution of the country already contains equal rights of women and also recognises the unequal situation of women.

Some provisions of Muslim Personal Laws have been modified. No effective measure could be taken so far to reform personal laws of Hindus and other minority groups.

3.1.3 Human rights to be ensured

The legal system of the country provides for ensuring human rights hut it is constantly under violation due to weak enforcement and social attitude. Women's life cycle is controlled by social and cultural norms where women themselves are not aware of their rights. Some NGOs like Manabadhikar Bastabayan Shangstha, and women's groups like Mahila Parishad are working for guaranty of human rights. Their activities include creation of awareness on legal rights and act as pressure group for realization of human rights and enactment of Uniform Code (UCC).

3.1.4 Protection of maternity

In the government/formal sector, maternity leave is allowed to women for three months twice in the service life. In the private and non-formal sector this could not yet been ensured since the sector has not been compelled to follow ILO regulations. Labour laws provide for maternity leave, child care facilities where more than fifty women are employed. Women are exempted from night work in factories under the labour law.

3.1.5. Elimination of social prejudice.

In the country social prejudices are reflections of age old tradition and culture. Religious beliefs and taboos outweigh the legal rights in determining the values and roles of men and women. Awareness raising is one of the major steps for elimination of such prejudices.

Due to increased incidence of poverty, economic aspirations and urbanization, traditional values and social structure are fast breaking away and forcing women to come out of seclusion. This has helped eliminate the prejudice regarding women's working outside home. The government and some NGOs have undertaken programs for creating social awareness about the change in women's role. All government training institutions such as the Academy for Planning and Development, Public Administration Training Centre, etc. have introduced gender and WID concerns in their training courses. Gradual changes in the attitude of men towards women is also visible.

3.1.6 Stopping the trafficking of women:

Women are experiencing dramatic changes in their life due to increasing landlessness and poverty. Their vulnerability often make them fall prey to the situation of desperation and become victims of trafficking and prostitution. The ban on women's employment in the middle eastern countries has been lifted to provide greater opportunities to women for taking the advantage of international job market. Sometimes the brokers take advantage of the situation and lure these women which lead to circumstances of trafficking. Lifting of the ban has helped women to enter the international job market on the one hand and has made them vulnerable to trafficking on the other. In recent times trafficking of women and children have become a major concern for the government which has taken firm steps and made the law severe for such offences.

3.1.7. Elimination of discrimination of women in politics and public life:

The Constitution of Bangladesh provides equal opportunity for women participating in politics and public life which has been manifested in a unique situation of having the Prime Minister and the Leader of the Opposition of the country as women. Yet, social norms and women's lack of control over resources often deters them from participating in politics and public activities. As a corollary to this, there are 30 reserved seats for women in the Parliament to ensure their participation in politics. Although women are equally eligible for contesting, only seven women have been in the Parliament through the electoral procedure. Women also have reserved seats in all municipal and local government bodies.

3.1.8. Equal opportunity for women to represent them in government and at the international level.

The need for representation of women in national and international arena is recognized and the law does not prohibit women from representing in government or international level. A quota has been reserved for women in public bodies like local government and also in government recruitment. Women's representation in the Cabinet, Government Departments, Planning Commission, national teams at international conference and policy making bodies is increasing.

3.1.9 Equal rights to acquire nationality

Nationality in Bangladesh is determined by birth. According to the Citizenship Act of 1951, citizenship can be transmitted from a father to his children. The husband or children of a woman cannot get entitlement of citizenship through her. A man, if married to a foreign national, can get citizenship for his spouse but it is not granted for the spouse of a woman.

3.1.10 Equal rights of women in the field of education.

Equal rights for education is highly emphasized by the government policies. However, due to economic and social reasons, often girls are not sent to school. The drop-out rate for girls is also very high. As a result, literacy rate for women is almost half of that for men.

Considering the high level of illiteracy, the Fourth Five Year Plan has incorporated the objectives for universal primary education and non-formal primary education to reduce mass illiteracy. The target is to cover the whole country in a phased manner by the year 2000 under universal

primary education. Current statistics shows that 44 per cent of the total students enroled upto the 5th grade are girls as opposed to 55.8 per cent for boys. Under the current Five Year Plan, compulsory primary education has been introduced in 64 selected thanas of the country as a pilot project. However, no fines or penalties are imposed on the guardians for non-compliance. The Plan admits the necessity of enhancing female enrollments at all levels.

Special provision has been made for education of girls in the rural areas, and the single daughter of a family. There is a quota of fifty percent female teachers in the primary schools. The Mass Education Programme of the government has been started in 43 thanas of the country. The NGOs like Grameen Bank, BRAC. Friends in Village Development in Bangladesh (FIVDB) and Community Development Centre (CODC) are playing a vital role in the expansion of non-formal and adult-literacy in the country. These organizations have designed their own model of functional literacy program which mainly focuses on women as targets. Grameen Bank and BRAC have started education programs for children where 20 out of 30 students should be girls in each class.

3.1.11 Equal Employment and Training Opportunities for Women:

Generally speaking, employment opportunities are unequal for women though in the public sector there are 10 per cent quota for officers and 15 per cent for staff positions at the entry level. The age limit for women to be eligible for government job has been enhanced to 30 years. Training opportunities are created under different ministries/agencies for vocational skills. Very few opportunities exist for higher level skill development. Less opportunity for education and employment leads to lesser opportunities for training. The government and the NGOs have taken many development programs for women which impact vocational skill development training - as has been discussed earlier.

Formerly, wife/husband was not eligible to get house rent subsidy or government accommodation while the other spouse got it, even if both of them were working in the public sector. Recently the government has lifted the bar and both the spouses are eligible to get the house rent allowance or accommodation. Some special steps have taken by the Ministry of Women's Affairs to support the working women such as:

Career Women's Hostels

Four career women's hostels have been established in the divisional towns of the country to provide accommodation to working women. This has been helpful for women to find a shelter near the work place.

Strengthening of Women's Training and Development Academy, a project working to develop the skills of different levels of women officers and staff of the Department of Women's Affairs.

A project on Day Care Services for Working Women started in July 1988 with the help of Danish Development Agency to assist the poor working mothers. The children are brought under day care program which includes primary health care, nutrition, immunization. Six such centres have been established in Dhaka and the poor mothers are availing themselves of the opportunity .

One employment information centre has been established to help the unemployed women by enlisting their names and making contacts with different Ministries and Departments for jobs for them.

3.1.12 Elimination of discrimination against women in the field of health-care

Health:

Health care facilities in the country are inadequate in general. The Fourth Five Year Plan envisages for improved health of the population and the objectives include:

- improving the health status of the population, particularly mothers and children;
- reaching improved health, specially maternal and child health and family planning services, in a package to the family with a view to increasing its welfare;
- improving nutritional status of the population, particularly mothers and children;
- consolidating and strengthening the coverage of primary health care;
- fostering appropriate health manpower development

- strengthening of the planning and management capabilities in the health system for utilizing existing facilities;

The strategies include fostering inter-sectoral coordination and interaction among health, population and other sectors. Cultural practice of women eating late and serving best part of food to the men affect women's health negatively creating nutritional deficiency which is still significant. The program of government on MCH, nutrition etc. are targeting women and children as beneficiaries.

It is noteworthy that in Bangladesh, immunization coverage for children under 5 years has reached as high as 85 per cent in 1991. UNICEF supported vaccination program for children and pregnant mothers is the most successful program of the government as well as NGOs. Control of diarrhoeal diseases. Inadequate provision for female patients in general hospitals also affect their health status. Many NGOs have launched programs on primary health care and sanitation.

Population Control and Family Planning

Maternal and child health care programmes have been considered in the Fourth Five Year Plan as imperative for attaining decline in fertility by drastically reducing infant and child mortality. The Plan targets for achieving a population growth rate of 1.8 per cent and total fertility rate per women at 3.3 per cent by the year 1995. The contraceptive prevalence rate will be raised at 50 per cent by the year 1995. The Plan approaches for inter-sectoral policies and programmes with due focus on fertility reduction and non-family planning interventions for fertility control.

The strategies include building up national commitment to generate social movement/mobilization to establish small family norms through information, education and motivation programs and also contraceptive education. It also envisages for special programmes for women to raise their status through creating opportunities for education, employment and income generating activities and thereby, enabling them to decide about their own pregnancy and family size.

3.1.13. Equal rights in areas of economic and social life including recreation

Economic and social situation of the country does not encourage people to think of recreation facilities for males even and cultural values do not encourage women to participate in the existing recreation facilities without

a male partner. However, the Fourth Five Year Plan envisages to encourage and ensure female participation in all levels of games and sports. The strategy includes provision for two standard play grounds in each district and thana, one for men and one for women, for practice and recreation. Production of movies, theatres and jatra (traditional opera) are supported by the government, private groups and business where men and women participate equally. Sports and games are encouraged for women and two Women's Sports Complexes have been established in two major cities of the country. Women are also encouraged to participate in international sports meets including the Asian Games, the South Asian Federation Games and the Olympics.

3.1.14. Particular Problems Faced by Rural Women

Women are in a relatively disadvantaged position in terms of access to resources and services. Their position is more precarious in the rural areas. The Fourth Five Year Plan provides for two types of projects to improve the condition of rural women through the Rural Institution Development sector. Special projects have been taken under Ministry of Local Government, Rural Development and Cooperatives. The two specific measures are:

(a)
- Mobilization of rural poor which include a range of activities such as to motivate women for organizing themselves into informal or cooperative groups, awareness raising, analysis of local socio-economic conditions, decide and take action for i individual and group development, supervision and monitoring of the activities and building organizational network for social development of the target groups;
- Impart training on consciousness raising, human resources development, managerial and vocational skill development, introduction to improved technology etc.;
- Provide credit facilities for income generating activities and assistance in marketing of products;
- Provide information and essential services like health, family planning, sanitation, literacy , consciousness raising on environmental protection etc.;
- Create awareness on legal rights of women and provide legal aids;

(b) - Provision for engaging women as wage labourers in the construction and maintenance of physical infrastructure in the rural areas;

Different Ministries and NGOs are implementing these types of projects for rural women. The aim is to achieve capacity to meet the basic needs and improve quality of life of the disadvantaged people of the rural areas through organizational network. The Department of Women's Affairs and some other agencies have programmes to help rural women to market their products through establishing collection and sales centres.

3.1.15. Women to be equal with men before the law:

As has been mentioned earlier that the Constitution of the country upholds equal rights for men and women. There is an attempt to reform some family laws to eliminate the discriminatory provisions. Women still are unable to establish the right they already have for socio-cultural reasons, as has been mentioned earlier. The Fourth Five Year Plan emphasis on legal education and legal aid to assist women in exercising their right. The government and NGOs have their own projects on awareness raising and providing legal assistance. The Family Court has been helpful for women in getting justice. Special projects under the Ministry of Women's Affairs for creating legal awareness and providing legal aid are as follows:

Advocacy Awareness and Strengthening of Information Base for Women in Development:

This is an UNICEF assisted project which commenced in June 1988 for raising awareness about the need for socio-economic development of women and children. Women are motivated to be involved in the mainstreaming of development of the country. Production of videos films on the situation of women, legal education meetings, observation of "International Women's Day", studies on women, inventory on women experts are some of the important activities done under the project to raise social awareness about women's rights and potentials.

Women's Support Centre:

This project supported by the Norwegian Agency for Development started in June 1991 with the objective to provide support to women who are abused and assist them with legal aids. Women and their children are given shelter at the centre for a period of three months and assisted to go back to their families . During their stay at the centre, they are imparted

vocational training for developing their income generating skills. Women who cannot be reunited with their families through negotiations are given legal assistance and financial support for self-reliance.

Integrated Programme for Participation of Women in Income Generating activity and Legal Aid Assistance:

The project aims at providing legal assistance with the help of lawyers to women who are abused and oppressed. Other components of the project relates to helping women to get sustainable source of income and employment.

3.1.16 Eliminate discrimination against women in matters relating to marriage, custody of children, property (interest of children to be paramount):

These aspects are governed by the religious laws and some discriminatory provisions still exist. Bangladesh has ratified the U N convention excluding provisions 2, 13(a), 16(1), (c) and (f).

Bangladesh has ratified the Convention of Rights and given emphasis on development of children as future generation. The Supreme Council for Mother and Child has been established to co-ordinate the child welfare activities and 1990 was declared as "The Year of the Girl Child". Bangladesh Shishu Academy (Children's Academy) has expanded its branches to all the districts for helping them in realizing their creative potentials in the arts, culture and literature.

NGOs like Save the Children and Terre Des Homes, Underprivileged Children's Education Programme (UCEP), BRAC etc. are working for children's literacy, health, vocational skill development, child-care homes for poor working mothers and homes for street children and orphans and have their program on shelter, education, health training etc. A total of 176 orphanages are run under the Social Services Department. The government and some voluntary agencies are working for the mentally and physically handicapped children.

NGOs have organized Child Right Forum to protect child rights. One important legal step was taken under Muslim Family Law Ordinance 1961 regarding inheritance of paternal grandfather's property upon death of the father while the grandfather is still alive.

3.1.17 Why reservation was made by Bangladesh upon ratification of Article 2 though equality was granted in the constitution.

Some Provisions of Personal Laws are in consistent with the Article 28 of the Constitution. In cases of such conflict, the provisions of the Personal Laws, based as they are on religion, take precedence.

So, the Government of Bangladesh ratified the Convention of the Elimination of Discrimination Against Women excluding clause 2, 13.(a), 16 1(c) and (f) which relates to personal rights like succession to property, marriage and divorce, guardianship of children etc.

3.1.18 What positive action has been taken by the government to withdraw the reservations to remove discrepancies in personal laws inconsistent with Constitutional provisions

Some provisions of the Muslim Personal Laws have been modified. No effective measures could be taken so far to reform Personal Laws of Hindus and other minority groups.

3.1.19 Progress since last report

This is to note that most of the legal measures mentioned above were introduced before submission of the last report but the government has further strengthened these by way of modifications and enforcements. The major progress since then are as follows:

- Policy measures regarding mainstreaming of women incorporated in the Fourth Five Year Plan and implementation of projects along that line. More emphasis have been given on WID aspects by the government which has been reflected in constituting the National Council for Women's Development and identification of WID Focal Points in the line Ministries. Officials of different Ministries and agencies are being introduced to the WID concepts and application thereof in their own activities. A joint Government and donor Task Force on WID has been formulated to arrive at a common agenda of partnership on WID aspects. Promulgation of the Anti-Terrorism Ordinance has been helpful for reducing eve teasing and other related offences.

3.1.20 Issues to be addressed

It has been elaborated earlier that the Government of Bangladesh has undertaken programmes to create a congenial atmosphere for women to participate in the socio-economic development activities as beneficiaries and as agents. The Ministry of Women's Affairs has the responsibility to oversee and coordinate the activities of the government and non-government agencies. It is apparent that despite all the efforts for policy interventions and legal reforms, equal rights of women in all spheres of life could not be ensured as yet. The government is continuing its endeavours to address the concerns effectively and following are some of the areas of concern.

3.1.21 Government Intervention:

To ensure greater participation of women in agriculture, industries, skill training and information services and technological innovations responsive to women should be promoted. Special credit programs without collateral security and quota provision, improvement in the work environment of the industries, identification of women as a separate group in the small and cottage industries sector are being increasingly emphasized.

There is a need to increase employment of qualified women in the top planning and decision making positions. The government is giving greater emphasis to the use of mass media for raising awareness on WID and its importance and role as a productive agent. Media will also be used for the dissemination of information on legal reforms and women's rights and for education on gender role.

3.1.22 International Support Needed

Large majority of women in Bangladesh live in situation of extreme poverty and it must be realised that unless their socio-economic status is enhanced noticeably, mere constitutional and legal provisions will not allow them to enjoy equal rights with men. Resource constraints on the part of the government and the NGOs have been one of the greatest impediment to women's development in Bangladesh. A special fund for women in extreme poverty may be created under CEDAW to give effect to the proposed measures.

Annexure-1

SOME STATISTICS ON BANGLADESH

Item	Male	Female	Total
Population (1991 in million)	55.579	52.414	107.943
Literacy (all ages)			24.82
Population Growth Rate			2.17
Sex Ratio			106
Average Member in Household			5.31
Crude Birth Rate			11.4
Infant Mortality Rate			94.3
Child Death Rate			14.4
Maternal Mortality Rate		4.8	
Expectation of life at birth	56.6	56.2	
Contraceptive Prevalence Rate			40
Dependency Ratio			86
Population Density (Sq. Km.)			759
Crude Labour Force Participation Rate	53.3	40.0	

Annexure-II

ALLOCATION IN THE FOURTH FIVE YEAR PLAN FOR THE EDUCATION SECTOR :

Category	Taka (in million)
Primary Education	11,622.7
Mass Education	164.7
Secondary Education	7,673.5
Madrasah Education	58.1
College Education	894.4
University Education	1,597.1
Vocational Education	1,188.7
Teachers' training	152.5
Commercial Education	37.3
Cadet Colleges	92.3
Other Programmes	338.9
Grand Total	23,820.2

Annexure-III

TRENDS IN FEMALE ENROLMENT IN THE PRIMARY LEVEL.

Class	Year	Male Enrolment	Per Cent	Female Enrolment	Per Cent	Total Enrolment
I	1985	15,38,793	56	12,57,099	44	27,95,892
	1990	20,28,162	56	15,93,550	44	36,21,712
II	1985	4,06,117	62	6,77,941	38	17,84,058
	1990	14,58,144	55.50	11,69,142	44.50	26,27,286
III	1985	8,38,508	63	4,99,535	37	13,38,043
	1990	12,70,183	55.50	10,18,434	44.50	22,88,617
IV	1985	6,77,943	63	3,92,492	37	10,70,435
	1990	9,83,292	56.50	7,57,047	43.50	17,40,393
V	1985	4,83,858	66	2,49,767	34	7,33,625
	1990	7,68,329	55.80	6,08,603	44	13,76,932
Total	1985	46,45,219	60	30,76,834	40	77,22,053
	1990	65,08,110	55.84	51,46,776	44	1,16,54,886

Source: Ministry of Education .

Annexure - IV

A GENDER-WISE BREAKDOWN OF ENROLMENT (1990)

Level	Male	%	Female	%	Total	%
Class VI	4,60,801	63.13	2,69,161	36.87	7,29,962	100
Class VII	4,41,775	65.56	2,32,086	34.44	6,73,811	100
Class VIII	3,94,679	66.94	1,94,910	33.06	5,89,589	100
Sub-Total (Junior Secondary)	12,97,255	65.08	6,96,107	34.92	19,93,362	100
Class IX	3,19,269	71.07	1,29,940	28.93	4,49,207	100
Class X	2,62,882	72.03	1,02,096	27.97	3,649,78	100
Sub-Total (Secondary Proper)	5,82,151	71.50	2,32,036	28.50	8,141,85	100
Colleges	3,02,276	62.63	1,80,330	37.37	4,82,606	100
General Universities	38,678	80.12	9,597	19.88	48,275	100
BUET	3,517	93.59	241	6.41	3,758	100
BAU	3,524	93.23	256	6.77	3,780	100
BITs	2,260	97.84	50	2.16	2,310	100
Polytechnic Institutes	6,724	92.62	536	7.38	7,260	100
VTIs	2,490	98.34	42	1.66	2,532	100
TTCs	2,380	64.19	1,328	35.81	3,708	100

Annexure - IV

A GENDER-WISE BREAKDOWN OF ENROLMENT (1990)

Level	Male	%	Female	%	Total	%
IER, Dhaka University						
(a) Diploma	151	72.25	58	27.75	209	100
(b) M.Ed.	185	59.68	125	40.32	310	100
PTI	3,286	42.54	4,439	57.46	7,725	100
VTI	58	100	-	-	58	100
Commercial Institute	2,678	84.59	488	15.41	3,166	100
Mass literacy Centres of MOE	49,918	78.24	13,880	21.76	63,798	100

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